

# SENATE RECORD VOTE ANALYSIS

104th Congress  
2nd Session

Vote No. 1

January 26, 1996, 3:15 p.m.  
Page S-416 Temp. Record

## BALANCED BUDGET DOWNPAYMENT ACT, I/Education Funding

**SUBJECT:** Balanced Budget Downpayment Act, I . . . H.R. 2880. Kennedy motion to waive the Budget Act for the consideration of the Kennedy amendment No. 3119.

### ACTION: MOTION REJECTED, 51-40

**SYNOPSIS:** H.R. 2880, the Balanced Budget Downpayment Act, I, will provide continuing appropriations through March 15 for those portions of the Federal Government for which regular appropriations bills or targeted appropriations bills have not yet been enacted. Funding levels for programs will vary to reflect Congress' priorities and its intent to balance the budget in 7 years.

**The Kennedy amendment** would fund the programs and activities of the Department of Education, the Head Start Program, and the School-to-Work Opportunities Act at their fiscal year 1995 funding levels, except for those programs and activities for which this Act will specifically provide otherwise (this Act will increase the maximum Pell Grant award and will terminate several education programs, including the Douglas Teacher Scholarship program, the Aid for Institutional Development Endowment Grant program, and the Innovative Projects in Community Service program).

Debate was limited by unanimous consent. Following debate, Senator Specter raised the point of order that the amendment violated the Budget Act. Senator Kennedy then moved to waive the Budget Act for the consideration of the amendment. Generally, those favoring the motion to waive favored the amendment; those opposing the motion to waive opposed the amendment.

NOTE: A three-fifths majority (60) vote is required to waive the Budget Act. Following the failure of the motion to waive, the point of order was upheld and the amendment thus fell.

**Those favoring** the motion to waive contended:

This amendment is very simple. It will increase funding for education programs in this bill so that they are funded at last year's levels instead of cut by 25 percent. Eighty percent of the American people oppose cutting education funding, Democratic Members

(See other side)

YEAS (51)			NAYS (40)		NOT VOTING (8)	
Republicans (6 or 13%)	Democrats (45 or 100%)		Republicans (40 or 87%)	Democrats (0 or 0%)	Republicans (7)	Democrats (1)
Chafee	Akaka	Inouye	Abraham	Inhofe	Bennett- <sup>2</sup>	Hollings- <sup>2</sup>
Cohen	Baucus	Johnston	Ashcroft	Kassebaum	Campbell- <sup>2AN</sup>	
Hatch	Biden	Kennedy	Bond	Kempthorne	Coats- <sup>2</sup>	
Jeffords	Bingaman	Kerrey	Brown	Lott	Faircloth- <sup>2</sup>	
Snowe	Boxer	Kerry	Burns	Lugar	Gramm- <sup>2</sup>	
Warner	Bradley	Kohl	Cochran	Mack	Kyl- <sup>2</sup>	
	Breaux	Lautenberg	Coverdell	McCain	Shelby- <sup>2</sup>	
	Bryan	Leahy	Craig	McConnell		
	Bumpers	Levin	D'Amato	Murkowski		
	Byrd	Lieberman	DeWine	Nickles		
	Conrad	Mikulski	Dole	Pressler		
	Daschle	Moseley-Braun	Domenici	Roth		
	Dodd	Moynihan	Frist	Santorum		
	Dorgan	Murray	Gorton	Simpson		
	Exon	Nunn	Grams	Smith		
	Feingold	Pell	Grassley	Specter		
	Feinstein	Pryor	Gregg	Stevens		
	Ford	Reid	Hatfield	Thomas		
	Glenn	Robb	Helms	Thompson		
	Graham	Rockefeller	Hutchison	Thurmond		
	Harkin	Sarbanes				
	Heflin	Simon				
		Wellstone				
					<b>EXPLANATION OF ABSENCE:</b>	
					1—Official Business	
					2—Necessarily Absent	
					3—Illness	
					4—Other	
					<b>SYMBOLS:</b>	
					AY—Announced Yea	
					AN—Announced Nay	
					PY—Paired Yea	
					PN—Paired Nay	

oppose such cuts, and even House Republicans are opposed to cutting funding in this area. This continuing resolution, though, will provide funding at only 75 percent of last year's level. At this point in the fiscal year, school districts across the country that rely on Federal funding for a large portion of their school budgets must finalize their next year's school budgets. The only responsible thing for them to do is make the pessimistic assumption that funding will remain at the 75 percent level for the entire fiscal year. Accordingly, they are in the process of laying off teachers and cutting back services. This bill's \$3.1 billion cut in education (if continued for the entire fiscal year) will have disastrous results. For instance, lower funding for Title I reading and math programs will result in 1 million fewer children being served, and 31,500 teachers losing their jobs. Those school districts that rely most heavily on Federal funding will especially suffer. For instance, Chicago, which receives 15 percent of its funds from the Federal Government, will have to make drastic cuts. Public school systems in Boston and in Detroit are among the other systems that will have to make huge cuts. The budgeteers are working diligently to come to an agreement. We are confident that when that agreement emerges it will provide substantially more funding for education programs. We know our colleagues on both sides of the aisle favor this increased funding, as does the President. Therefore, we see no reason to wait. We refuse to accept the funding limits in this bill when we know they are soon going to change. Therefore, we urge our colleagues to join us in providing the needed funds now.

**Those opposing the motion to waive contended:**

If the Kennedy amendment were to pass, under Senate rules every other item in this bill that is under the Labor Appropriations subcommittee's jurisdiction will have to be cut by an average of 10.5 percent. Some Senators tell us they refuse to accept that fact, but their refusal does not make any difference. Funding for the Labor-HHS appropriations subcommittee must remain within its allocation. Adding this money will require cuts in the Ryan White AIDS program, in the National Institutes of Health, in the Low-Income Energy Assistance (LIHEAP) program, and in every other area funded by the subcommittee. Perhaps a budget deal will be reached that will allow for additional funding, but until such a deal is reached the Budget Act will not permit increased spending. From our perspective, the Senate finds itself at this impasse due to intransigence on the part of the President during the budget negotiations. Republicans have offered numerous compromise proposals that have moved significantly toward the President's demands for more spending and less tax relief, but the President has shown little to no willingness to make real counter-offers. In fairness to the President and his fellow liberals, we imagine that they believe Republicans have been intransigent. Regardless of how we find ourselves in this situation, though, we are here, and we are in no position to increase spending on this particular bill. In a few weeks, in a week, or maybe even tomorrow this impasse may be resolved, but it is not resolved yet.

Another major point needs to be made. The main reason that the Labor-HHS bill has to be included in this continuing resolution is that Senate Democrats have filibustered the motion to proceed to the bill. In all the years we have been here, we have never before seen either party block the consideration of a regular appropriations bill. We have not considered and passed this bill because Democratic Senators, moving in party lockstep, have refused to allow the bill to come to the floor. Their objection is that the Senate-reported bill contains language that will refuse funding for a Clinton Administration Executive order on the Davis-Bacon Act. Over the years, when Democratic-majority appropriations bills have been reported with provisions objectionable to Republicans, Republicans have not irresponsibly refused to allow those bills to come to the floor. Instead, they have allowed their consideration, and they have offered amendments to try to remove those provisions. Sometimes they have succeeded; sometimes they have not. Either way Republicans have accepted the results. In this case, though, Democrats have not even been willing to try to defend their position. They have instead refused to allow the bill even to be considered, and they are now whining that Congress has failed to pass a Labor-HHS appropriations bill. We are not pleased with the position in which we find ourselves; we would like to add more money for education. Unfortunately, Senate Democrats through their unprecedented refusal to consider a regular Labor-HHS appropriations bills have forced us to provide either no funding or funding on continuing appropriations bills.

While this situation is disturbing, it is not really all that damaging for most school districts in the country. Overall, the United States provides only 2.2 percent (not counting school lunch funding) of elementary and secondary education funding. For the most part, the Federal Government provides funding for special needs, such as for handicapped students. Some school districts have classified a large number of their students within these special need categories, and consequently receive more Federal funds. However, with an average of only 2.2 percent of schools' money coming from the Federal Government, and with that average being reduced by only 25 percent and only for the duration of this continuing resolution, the reduced funding provided by this bill is not as catastrophic for most school districts as some of our colleagues have suggested.

Ironically, the Senate-reported bill contains \$1.5 billion more for education than does the House-passed bill. Perhaps our colleagues will end their filibuster of the motion to proceed, will join us in debating and amending that bill, and will send it to the President for his signature with the Senate's higher education spending level. If not, the only funding alternative will be through continuing resolutions, and the only hope for ending the impasse will be through negotiations. The President basically wants to preserve the status quo; we therefore cannot pass continuing appropriations bills that preserve the status quo, or the President will have no incentive to compromise.

This broader picture aside, the one narrow question we are presented with by the Kennedy amendment is do we want to cut funding for every other program under the Labor--HHS appropriations subcommittee's jurisdiction in order to increase funding for

**JANUARY 26, 1996**

**VOTE NO. 1**

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education programs. We do not, and must therefore vote to defeat this amendment.